UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1485
13 September 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1485th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 August 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1485/Add.1.

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GE.01-44126 (E) 140801 130901

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THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION, THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (continued)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth to sixteenth periodic reports of Egypt (continued) (CERD/C/384/Add.3; HRI/CORE/1/Add.19)

1. At the invitation of the Chairman, the members of the delegation of Egypt resumed their places at the Committee table.

2. Mr. KHALIL (Egypt), replying to Committee members' questions, stressed that Egyptian society was very homogeneous and there were no true ethnic minorities. Although there were groups of Armenian or Greek origin, their ancestors had long since settled in Egypt, learned Arabic and acquired Egyptian nationality, and they enjoyed the same rights as any Egyptian citizen. They were fully integrated into Egyptian society but retained the right to operate their own schools, practise their religion and preserve their culture. With regard to the oasis of Siwa, its inhabitants' dialect, while derived from Arabic, was the subject of numerous academic studies, the results of which would be provided to the Committee once completed. The coastal and desert populations enjoyed the full protection of the Constitution and their relative isolation had not prevented many members of those groups from achieving high positions at the local and national levels in all sectors; the Government also actively supported special councils, seminars and cultural activities aimed at preserving local traditions. Any individual who felt that he had been the victim of discrimination could seek redress before the courts and, in keeping with the traditions of some populations, conciliation councils had been empowered by law to try to settle disputes in civil matters before a case was brought before a regular court. At the political level, parties were required to reflect the goals and values of all sectors of society as well as the basic principles of national representation, equal opportunity, non-discrimination and open membership; no political party based on sectarian principles, geography, class, sex, religion or ethnic origin was allowed.

3. Turning to the issue of refugees and political asylum, he said that there were currently 7,340 registered refugees in Egypt, mostly from Sudan, but also from Somalia, Yemen and Ethiopia, along with some Palestinians who retained their nationality pending implementation of relevant United Nations resolutions regarding Palestine. A recent Presidential decree had granted refugee children the right to free education at the primary level as well as the right to work for adults and Egypt was complying fully with its international obligations under instruments such as the 1951 Vienna Convention on the Status of Refugees. In accordance with domestic and international guarantees of the universality of human rights, the Constitution provided for the possibility of political asylum for human rights defenders and persons who risked persecution in their country of origin.

4. With regard to Egypt's domestic legal framework and the status of the Convention, the Supreme Constitutional Court, an independent body made up of eminent jurists selected by the judges of the Court themselves, monitored the constitutionality of laws, interpreted legislative texts, settled jurisdictional disputes between courts and served as the final court of appeal. His Government encouraged appeals to the Supreme Constitutional Court whenever necessary and

any citizen, upon payment of a symbolic fee of 25 Egyptian pounds, could appeal to it; any lower court could ask the Court for a ruling on a point of law. Its judgements were final, were published in the Official Gazette and were binding on all organs of the State; any law declared unconstitutional was immediately rendered null and void. Many of the Supreme Constitutional Court's decisions were based on articles 8 and 40 of the Constitution regarding equal opportunity and equality before the law. Two recent decisions had included a decision in July 2000 requiring judicial supervision of elections, which had called for amendments to the relevant legislation and incurred significant additional expense for the Government, for example during recent elections, and another decision in November 2000 which had annulled the right of the Ministry of the Interior to deny a citizen permission to travel abroad; accordingly, all requests for passports must be granted.

5. The rights guaranteed by the Convention, like those enshrined in other international human rights instruments, were reflected in the human rights safeguards contained in the Constitution and therefore superseded domestic legislation and could not be modified by the latter except by an amendment to the Constitution itself. The Egyptian courts could apply international human rights principles, with the Supreme Constitutional Court acting as the guarantor of international legitimacy.

6. In response to questions about states of emergency, he stressed that the Executive could not alone declare a state of emergency; the measures proposed were carefully defined and had to be approved by the legislature, and only for a specific period of time; any extension of a state of emergency likewise had to be approved by Parliament. States of emergency were usually declared as a response to acts of terrorism and, in that context, he called for the organization of an international conference on terrorism and drug trafficking.

7. With regard to discrimination against women, after drawing attention to the establishment of the National Council for Women and the annual holding of conferences on women's issues, he reported that the Ministry of Education had recently decided that the children of an Egyptian woman married to a foreigner were entitled to the same treatment as other Egyptian children, especially if they were living in Egypt. The possibility of granting such children Egyptian nationality was also under review; current law was based on blood relationships and place of residence and did not allow dual nationality; that, too was under review. If the husband was stateless, the children could be granted Egyptian nationality, otherwise they would be considered to have the nationality of their father. Recalling that, in accordance with the principle of respect for various religions, Egypt had separate laws governing the civil status of Muslims and non-Muslims, in areas such as marriage, divorce and child custody, he said that the Constitutional Court had nevertheless ruled that differentiation in the age of custody for Muslim and non-Muslim children was unconstitutional.

8. Egyptian society was open to and tolerant of all cultures and acts of racial discrimination, which could be considered terrorist acts, were rare and were immediately denounced by Egyptian society as a whole, even before complaints were heard by the courts. The Penal Code and legislation on political parties and the press had been revised to strengthen sanctions against racial discrimination. Newspapers could be punished if they published allegations of discrimination which might affect national dignity or contribute to religious discord. His

Government was further reviewing the Penal Code with a view to defining racially motivated acts, including terrorist acts, and further information would be provided in the next periodic report.

9. Development efforts were based on five-year plans, with the fourth such plan currently under way. Programmes were being implemented in the area of national infrastructure, strengthening of the national economy, promotion of investment and large-scale projects involving, for example, the Suez Canal and the Upper Nile region. The objective was to increase the standard of living, reduce unemployment, improve gross domestic product and increase the total amount of useable land from 5 per cent to 25 per cent. Projects were under way throughout the country, including desert and coastal zones, with a view to providing essential services to all citizens, in particular in the face of increased urbanization.

10. The Constitution guaranteed equal employment opportunities for all, and the laws against discrimination specifically covered employment. In 1960, Egypt had acceded to International Labour Organization (ILO) Convention No. 111 (1958) and incorporated it into domestic law. The Government tried to reduce the number of unemployed by creating jobs, fostering investment, developing the private sector and encouraging the establishment of young firms, to which it provided premises in new zones. Egypt was aware of how crucial it was to create employment.

11. Once it had been determined whether incidents of racial discrimination constituted a crime or resulted from administrative decisions, victims of racial discrimination were entitled, where appropriate, to compensation.

12. As stated in the report (paras. 353 and 354), Egypt was reviewing its position regarding the amendment to article 8, paragraph 6, of the Convention and regarding recognition of the competence of the Committee under article 14.

13. The Government agreed that an independent judiciary was a necessity. On the question of freedom of religion, guaranteed to all under article 46 of the Constitution, the Supreme Constitutional Court had defined freedom of belief as precluding the imposition of any religion on an individual, and requiring mutual respect among religions without infringement of the rights of another religion. Throughout its history, indeed, Egypt had been known for its religious tolerance and its jealous protection of freedom of religion.

14. In line with the recommendations of ..ational bodies and with the United Nations principles relating to the status and functioning of national institutions for the promotion and protection of human rights ("the Paris principles"), the Government was currently planning the establishment of a national human rights body. It was also aware that education in a human rights culture and tolerance was a requirement, and had introduced those subjects into the school curricula and commissioned human rights experts to develop courses in such subjects for public officials, the judiciary and the police. With United Nations Development Programme (UNDP) assistance, it was setting up practical training courses in the field so that those concepts would be firmly implanted.

15. Non-governmental organizations (NGOs) had a very important role in Egypt. The State Council on Non-Governmental Organizations worked with them to disseminate human rights principles. A large network of NGOs operated in the country, with at least 15,000 persons active in all areas, including welfare, health, women's rights and the rights of the elderly.

16. In conclusion, he stressed the role of the Supreme Constitutional Court as the supervisory mechanism in the battle against racial discrimination. It constantly monitored legislative texts and court machinery and rulings in order to ensure that they did not contradict the basic principles, and also had oversight over civil responsibility for acts of racial discrimination.

17. Mr. DIACONU (Country Rapporteur) thanked the delegation for its informative answers to the Committee's questions. Clearly, there was easy access to a whole range of remedies for racial discrimination, and the Supreme Constitutional Court was playing a growing role, which extended also to the electoral process and to civil and political rights throughout the country. The Government's development plans as well covered all regions and therefore all ethnic groups. In the interests of giving a whole picture of the situation in the country, the delegation had addressed a number of issues - women's rights, freedom of religion, states of emergency - which, of course, fell within the Committees' competence only if there was a racial dimension. The delegation had also touched on a number of problems regarding the implementation of the Convention which it said it was still studying, such as the status of the children of mixed marriages, the establishment of a national human rights body and the incorporation of article 4 of the Convention into domestic law. He himself would add also the problem of the mandatory registration of NGOs active in human rights. The Committee would look forward to the next report, which should include information on the various ethnic groups in the different parts of the country.

18. Mr. ABOUL NAGA (Egypt), referring to the registration of NGOs, explained that the constitutionality of the new law requiring such registration had in fact been challenged. The Supreme Constitutional Court, taking the initiative, had ruled that during the legal hiatus the situation could not be frozen and had consequently recently allowed one of the major NGOs active in human rights to operate without registering.

19. The two basic institutions in the country that would have a wide-ranging and lasting impact on the protection of all human rights were its pioneering judiciary, which Egyptians admired for constantly putting up challenges to the Government, and the projected national human rights body, which the Government was in the process of setting up.

20. Mr. KHALIL (Egypt) expressed appreciation for the objective and far-reaching comments of the Committee which would help the Government in drafting its next report and in achieving its human rights goals through the application of its own law, the Convention and all the international human rights instruments.

21. The CHAIRMAN said that the Committee valued the voluminous, informative report submitted by Egypt and the wealth of information provided in the oral introduction. The dialogue had been very constructive, and the Committee looked forward to the next periodic report.

22. The delegation of Egypt withdrew.

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Liberia

23. Ms. DARROW (Secretary of the Committee) said that three notes verbales had been sent in the spring to the Liberian mission inviting it to send representatives to the scheduled review and seven more attempts to contact it had been made in July, but no reply had ever been received.

24. Ms. McDOUGALL (Country Rapporteur) recalled that Liberia had never submitted even one periodic report since its ratification of the Convention in 1976, and that in 1996 the Committee, under its early warning and urgent action procedures, had adopted decision No. 3 (49) on Liberia. The Republic was still slowly emerging from seven years of civil war. The Abuja Peace Accord of 1996 had officially restored peace to the Republic, but the human costs of the war had been immense, with 200,000 war-related deaths, 1.2 million internally displaced persons and about 750,000 refugees to neighbouring countries, and some 20,000 children forced to become soldiers. Since the 1997 elections, Liberia had been a centralized republic dominated by a strong presidency and unbridled security forces, which reportedly continued to commit human rights violations throughout the country. Because of the Government's involvement in the conflict in Sierra Leone, the international community had in May 2001 imposed sanctions banning the import of Liberian diamonds.

25. Liberia was a diverse country with 16 indigenous ethnic groups and an Americo-Liberian minority group made up of descendants of slaves from the United States and the Caribbean, with no group constituting a majority of the population. Throughout the ethnically divisive civil war, the factions had often summarily executed those from ethnic groups considered hostile. Charles Taylor, who had emerged victorious and had won the presidency and 75 per cent of the legislature, was of both indigenous and Americo-Liberian descent. Although the 1986 Constitution prohibited racial discrimination, NGO reports indicated that few constitutional rights had been implemented in domestic legislation, and that those which had been were not upheld by the judiciary and were regularly breached by the various branches of the Government and its security forces. A National Human Rights Commission had been set up by law in 1997, but, of the five commissioners, only two had been appointed and taken up their posts by the end of 2000. The Commission's powers also seemed to be very limited, since it could not call witnesses or initiate investigations and there was no record of its having banned any racist organizations.

26. Historical ethnic differences continued to generate violence and political tension. The Government reportedly still discriminated against indigenous ethnic groups that had opposed President Taylor in the civil war, particularly the predominantly Muslim Mandingo, who were harassed and even killed, and the Krahn, former President Doe's ethnic group. The fighting that had spilled over from Guinea into Liberia in July 2000 had assumed an ethnic dimension when the Government had indiscriminately blamed the Krahn and Mandingo communities for the violence.

27. Despite the horrible human rights violations committed during the civil war by all ethnic groups, no official efforts had been made to investigate the massive abuses or bring the perpetrators to justice. As a result, many soldiers who had committed grave violations still served in the Government's security forces and were still committing the same crimes, being responsible for the many incidents of disappearance, torture, beatings and general abuse by which the Government sought to eliminate dissidence. Women and ethnic groups considered opponents seemed to be particularly at risk. The situation was especially violent in the area in which large numbers of Sierra Leonean refugees were encamped.

28. In reviewing the situation in the country, she had relied on reports of other human rights treaty bodies and United Nations organizations and on major human rights NGOs. She would, however, have welcomed the opportunity to discuss the situation with a representative of the State party.

29. Mr. DIACONU pointed out that Liberia was one of the rare examples of a State which had ratified the Convention, but then had not submitted a single periodic report. The Committee appreciated that its failure to do so was caused by the volatile situation and a lack of resources. Nevertheless, since it was well known that racial discrimination was rife in the country, some method had to be devised of initiating a dialogue with the State party. The concluding observations would have to be written in a very firm tone and should be incorporated in the Committee's report to the General Assembly. In addition, a paragraph should be inserted at the beginning of the report to the effect that the Committee found it necessary to urge States parties which had never presented a report to make good that omission and initiate a dialogue with the Committee.

30. Mr. de GOUTTES supported Mr. Diaconu's proposal and recalled the Committee's decision (3) 49 on Liberia, adopted under its early warning and urgent action procedures. The country was still facing major difficulties owing to substantial movements of the civilian population and an influx of refugees from Sierra Leone and Guinea. Children had even been forcibly recruited as soldiers. In view of the information received from Ms. McDougall and other sources, the Committee's grave concerns must be reflected in its concluding observations and couched in severe terms that went beyond the usual standard formulas, with a view to galvanizing the Liberian Government into providing the Committee with facts and figures.

31. Mr. ABOUL-NASR said that the state of affairs in Liberia was most serious and wondered whether other United Nations treaty bodies had issued any decisions on that State party or whether any other international organizations had considered the matter. It was not enough for the Committee merely to draw attention to the problem or make a general recommendation. Had consideration been given to launching a media campaign against Liberia? Whatever action was decided on, the circumstances called for a very firm decision from the Committee.

32. Mr. FALL endorsed the comments of the previous speakers and explained that Liberia had been created after the abolition of slavery in the United States of America. The United States had bought the territory so that former slaves could settle there. When the latter had arrived in the country, they had found that it was already inhabited by an indigenous population. The subsequent mounting tension between the two population groups had

culminated in a protracted civil war during which massive violations of human rights had occurred. Practically all international organizations were interested in what was happening in Liberia. Mr. Diaconu's proposal deserved close attention, as it would be wise for the Committee to reaffirm its concern in stronger language.

33. Mr. RESHETOV agreed with previous speakers and on the need to take measures against States which had not submitted reports. Liberia was simply refusing to honour its international obligations and consequently sanctions should be forceful. The Committee should not confine itself to appeals to the State party, but should take a decision which would draw the attention of the United Nations to Liberia's gross violation of its primary obligations under international law.

34. Mr. YUTZIS said that, over and above declarations and condemnations, he recommended moves which might prove efficacious and enable the Committee to exert a positive influence on the course of events in Liberia.

35. Mr. McDOUGALL (Country Rapporteur) said that Liberia's disregard of its obligations had taken on a unique scale and demanded more energetic action than the issuing of standard concluding observations. A visit by Committee members might help to focus the attention of the international community on racial and ethnic discrimination in the country. Although such a mission would have financial implications, it might trigger the long overdue dialogue.

36. The CHAIRMAN proposed that, as the Committee appeared to be unanimous in its views regarding the situation in Liberia and the need for more vigorous action than standard concluding observations, the Country Rapporteur should be requested to draft a proposal to the Committee and instructed, when doing so, to collaborate with her colleagues on the substantive issues.

37. Mr. RESHETOV said that the mere idea that a mission from the Committee was in the offing might produce progress and prompt Liberia to draw up a report, thereby obviating the need to send the mission as a preliminary stage.

38. Mr. YUTZIS stated that developments in Liberia were so grave that operative decisions were required. He suggested that the Committee should think about setting up a group on Liberia. Financial considerations should not prevent the Committee from making proposals. Measures should be suggested and then the financial implications examined.

39. Mr. ABOUL-NASR said that, before the Committee actually sent a delegation to Liberia, it had to find out whether that step was financially feasible and whether the State party would allow the delegation into the country. The secretariat should therefore inform the Liberian authorities about the contents of the Committee's discussion and seek their consent to the delegation's visit. Withholding of that consent would strengthen the Committee's hand in any campaign against Liberia. The decision on the principle of sending a delegation should, however, be taken at the next meeting.

40. The CHAIRMAN noted that the Committee wished to adjourn further consideration of that item pending the submission of the Country Rapporteur's draft proposal.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 10) (continued)

41. Mr. ABOUL-NASR announced that he would be consulting his African colleagues with a view to their nominating a replacement for him as delegate to the World Conference because, in the light of the Preparatory Committee's inability to agree on the draft Declaration and Programme for Action, he was of the opinion that his presence at the Conference would be futile.

42. The CHAIRMAN said he regretted Mr. Aboul-Nasr's decision, but respected his reasons for it.

The public part of the meeting rose at 12.15 p.m.